

SUMMARY OF THE IMPLEMENTATION COMMITTEE MEETING JUNE 30, 1998

The Implementation Committee of the National Environmental Laboratory Accreditation Conference (NELAC) met on Tuesday, June 30, 1998, at 1:30 p.m. Central Daylight Time (CDT) as part of the Fourth NELAC Annual Meeting in San Antonio, TX. The meeting was led by its chair, Dr. Carl Kircher of the Florida Department of Health. A list of action items is given in Attachment A. A list of participants is given in Attachment B.

INTRODUCTION

Dr. Kircher opened the meeting by providing an overview of the purpose of the Implementation Committee. The Implementation Committee is not charged with making changes to the NELAC standards themselves but is tasked with devising model legislation and administrative regulations that accrediting authorities may use to promulgate the NELAC Standards into laboratory accreditation requirements, and with notifying the Board of Directors and Conference membership of any changes in EPA regulations, ISO guidelines, or other circumstances that would impact laboratory accreditation. Agenda items included:

- Committee Membership
- Approval of Teleconference Minutes
- NELAC Implementation Committee Cost/Benefit Analysis
- The April 1998 EPA Regulatory Agenda
- Model Enabling Legislation
- The Model Administrative Rule
- Old Business
- New Business

HANDOUTS

- The NELAC Implementation Committee Cost/Benefit Analysis
- The April 1998 EPA Regulatory Agenda
- The Model Administrative Rule - Chapter 100A-1
- The Florida Legislation CS for SB 1716
- NELAC Website Documents - PREAMBLE.DOC, NELACAPP.DOC, LEGMODEL.DOC, NELACAP2.DOC, NELACAP3.DOC, MICROBIO.XLS, RADIOCHEM.XLS, CWACHEM.XLS, SDWCHEM.XLS, AND RCRACHEM.XLS

COMMITTEE MEMBERSHIP

Dr. Kircher pointed out several omissions in the NELAC registration materials regarding membership on the Implementation Committee. While Mr. Bob Lieckfield's resignation was correct, the materials did not list Mr. Ron Peters as a nominee. In addition, voting member Ms. Wanda Ingersoll has rotated off the Committee, with Mr. Al Smith nominated as her replacement. Contributor Ms. Suzanne Cole is rotating off the Committee with Ms. Roxanne Robinson

nominated as her replacement. There is another vacancy for a contributor on this Committee. Dr. Kircher asked for nominations from the Implementation Committee for a new chairperson. Dr. Michael Miller nominated Dr. Kircher to continue as chairman. A quorum was present. The nomination was seconded and Dr. Kircher was elected by acclamation.

APPROVAL OF THE TELECONFERENCE MINUTES

Meeting notes from a previous teleconference on April 8, 1998, were reviewed by the committee members, and the meeting notes were approved.

COST/BENEFIT ANALYSIS

Because subcommittee members could not be present at NELAC IV, Dr. Kircher covered the handout on the Cost/Benefit Analysis by topic. Comments were asked from the committee; none were rendered. Dr. Kircher asked for questions from the floor. One question "How can states avoid underestimating costs for accreditation programs" was addressed. It was acknowledged that this was a problem that had no direct answer, but points to consider are staying fair and accurate when estimating costs and to be sure of the number of labs to be included in the accreditation program. It was also pointed out that the benefits of laboratory accreditation are intangible, but relevant statements are presented in Section D at the bottom of Page 3 of the Cost/Benefit Analysis handout.

EPA REGULATORY AGENDA

A subcommittee had been named previously consisting of Ms. Jan Jablonski, serving as Chairperson, Ms. Martha Roy and Dr. Miller. The subcommittee had been charged with the analysis of the April 1998 EPA Regulatory Agenda. It was reported by the subcommittee that the agenda contained regulatory proposals that would affect laboratory accreditation. As EPA plans to promulgate new methods or revisions, accrediting authorities should make preparations (rule amendments if necessary) to offer these methods to laboratories for accreditation, because the EPA agenda also contains effluent guidelines for wastewater discharges and emissions standards for hazardous air pollutants. Dr. Miller stated that references to methodologies would creep up through new Standards and for attendees to watch the progress of these issues, and explained how they would affect their businesses and the industry. Ms. Roy suggested that the Committee should continue to observe the proposed new standards as the November, 2000, deadline mandated by the Clean Air Act would bring these proposed new standards into effect soon. Dr. Kircher proposed that the relevant items from the EPA Regulatory Agenda be presented to the NELAC Board of Directors. By acclamation the committee agreed on that proposal.

MODEL ENABLING LEGISLATION

The Implementation Committee discussion draft of model enabling legislation is available as the file LEGMODEL.DOC on the NELAC internet site. The committee also has provided other examples of legislation (such as from California and Virginia) as it becomes available. Dr. Kircher provided handouts of the Enabling Legislation passed by the Florida Legislature in 1998. This particular example cites the punitive authority and the grounds for administrative sections (e.g.

revocation) directly in Statute, rather than delegating it to administrative rules. This model emphasizes how revocation of certification based on violations of Statutes was better founded legally than that same action based on violations of NELAC Standards incorporated by reference into rules. This model is available for use by states in developing similar legislation if desired.

MODEL ADMINISTRATIVE RULE

There are currently two versions of the model administrative rule available on the NELAC internet site. Dr. Kircher provided a handout for the attendees of his proposal to expand the longer version. The highlights of the proposed expanded version are that this rule model contains:

- All CFR EPA Regulations that reference laboratory testing, sampling and quality assurance.
- Test method manuals incorporated by reference.
- Scope of NELAC accreditation consistent with Figure 1-3.
- Certification requirements consistent with specific NELAC Standards and EPA Regulations.
- Provisions for offering certification for performance based measurement systems as approved test methods.
- Aspects of the Accreditation Process that have stronger legal standing by being stated in rule rather than referenced in the NELAC Standards.

Comments from the Committee and the audience about the expanded model were invited. In general, the handout was acknowledged as a good effort and a useful document. However, the most questions and comments were directed at the section on Proficiency Testing. The proposed language for this rule cannot be determined until after the voting process on Chapters 2 and 4 of the NELAC Standards. This will be presented as an unresolved issue.

Further comments/suggestions on consistency between incorporated reference material lists and rules sections in the model and for consistency with NELAC Standards were also invited.

OLD BUSINESS

The National Environmental Laboratory Conference Survey of State Legislators was closed out as an issue for this committee.

Dr. Kircher stated that the examples of Quality Systems were presented at the NELAC Interim Meeting last January for small laboratories consistent with their testing capabilities. They illustrate that NELAC is not too complicated for small laboratories to participate. The committee closed this issue as an agenda item as it is also complete.

NEW BUSINESS

Dr. Kircher suggested that the subcommittees to the Implementation Committee on EPA Regulatory Agenda and the Cost/Benefit analysis be dissolved and reintegrated as a whole. The Committee agreed to this proposal.

There had been a suggestion by the NELAC Board of Directors that the Implementation Committee and the Membership and Outreach Committee be merged. After comments from the Membership and Outreach Committee, Implementation Committee members, and comments from the audience participants were heard and considered, the Committee members agreed that the two committees should remain separate.

The Committee expressed support and willingness to assist with Mr. Ted Coopwood's efforts to integrate testing laboratories in Indian Nations into the NELAC quality standards. Since a vacancy exists for a contributor on the Implementation Committee, a Tribal Nations Representative could be nominated for that position. The Committee recommended that any regulatory concerns for the Tribal Nations be presented to the Board of Directors as a future issue of this Committee.

There is proposed new language in the Bylaws to rename the Implementation Committee as the Regulatory Coordination Committee to reflect its charge in the Bylaws more accurately. The Committee expressed support for this change.

Ms. Robinson identified that ISO CASCO is preparing a document, ISO 17025 revising Guide 25 for testing laboratories and calibration organizations. The document is out for public comment, then the draft standard will be balloted. Because of the potential impact on Chapter 5 of the NELAC Standards, there were two proposals from Dr. Kircher as follows:

- Report to the Board of Directors that there is an ISO 17025 document which may affect laboratory accreditation.
- The Committee will take this up as an agenda item, review this document to determine the changes for ISO Guide 25 and the impacts to NELAC Chapter 5, and report the findings to the Board of Directors.

The Committee agreed to these proposals.

CONCLUSION

With no further new business the meeting was adjourned to reconvene jointly with the Membership and Outreach Committee.

Upon reconvening with the Membership and Outreach Committee the suggestion to merge the two committees was presented. After relating the current business of each committee with all members present, it was agreed that there was sufficient diversity of function in the Bylaws and active agendas on both committees to justify keeping the two committees separate. It was suggested that the two committees maintain open invitations to participate in each other's teleconferences and committee meetings. No objections were noted.

Ms. Irene Ronning, chairperson of the Membership and Outreach Committee, adjourned the meeting.

**ACTION ITEMS
IMPLEMENTATION COMMITTEE MEETING
JUNE 30, 1998**

Item No.	Action Item	Date to Be Completed
1.	Dr. Kircher will report any EPA Regulatory Agenda items for October, 1998 that will affect laboratory accreditation to the NELAC Board of Directors.	1/99
2.	Ms. Robinson will obtain a draft document of ISO 17025 for review by the Implementation Committee.	10/1/98
3.	Dr. Kircher will incorporate comments and changes required by any revisions to NELAC Standards into the expanded rule model, and then submit the revised version to the Board of Directors for posting on the internet.	10/1/98

**PARTICIPANTS
IMPLEMENTATION COMMITTEE MEETING
JUNE 30, 1998**

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